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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/879,829	06/11/2001	Kenneth H. Abbott III	TG1-001US	3474
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SEED INTELLECTUAL PROPERTY LAW GROUP PLLC 701 FIFTH AVE SUITE 6300 SEATTLE, WA 98104-7092			ART UNIT 2174	PAPER NUMBER

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/879,829

Applicant(s)

ABBOTT ET AL.

Examiner

Peng Ke

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– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 01 March 06.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-19,35-42 and 60-83 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-19,35-42 and 60-83 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

### **DETAILED ACTION**

This action is responsive to communications: Amendment, filed on 3/13/06.

This Action is made Final.

Claims 1-19, 35-42, and 60-83 are pending in this application. Claims 1, 10, 19, 35, and 74-83 are independent claims. In the Amendment, filed on 3/13/06, claim 1, 10, 19, 35, 61, 67, and 73 were amended and claims 82 and 83 were added.

#### ***Claim Rejections - 35 USC § 101***

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

The claimed invention is directed to non-statutory subject matter. Claims 10, 82, and 83 are rejected because the claims predict the mental states of the users. By doing so, the claims fail to produce a concrete results that can be substantially repeatable. In re Swartz, 232 F.3d 862, 864, 56 USPQ 2d 1703, 1704 (Fed. Cir. 2000). (Where asserted result produced by the claimed invention is "irreproducible" claim should be rejected under section 101)

#### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 10, 81, and 82 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not

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described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 10, 81, and 82 lack enablement requirement because they cannot operate as intended without undue experimentation. In re Swartz, 232 F.3d 862, 864, 56 USPQ 2d 1703, 1704 (Fed. Cir. 2000).

### ***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 2, and 79-81 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fado et al., US Patent No. 6,067,084 in view of Hochstedler US Patent No. 6707476.

As per claim 1, Fado et al. ("Fado") teaches one or more computer-readable media storing a computer program that, when executed by one or more processors, causes the one or more processors to:

display a subset of a plurality of steps in an order to be performed by a user (see Fado, column 2, lines 6 – 22);

alter an appearance of a current step in the subset of steps that needs to be performed by the user to distinguish the current step from other steps in the subset (see Fado, column 2, lines 6 – 22; the examiner interprets displaying a graphical user interface for every step as altering the

appearance of the step);

allow the user to input data corresponding to the current step (see Fado, column 2, lines 6 – 22); and

scroll, in response to user input of data corresponding to the current step, the plurality of steps so that a new subset of the plurality of steps is presented to the user (see Fado, column 2, lines 6 – 22; the examiner interprets displaying the next step as a graphical user interface as scrolling to present the next step).

However, Fado fails to teach the method further receives information about the user that includes sensed information from multiple sources such that sensed information from differing sources is at least partially in conflict;

Automatically build a model of the current context of the user by mediating amongst the sensed information from the multiple sources. In response to the received information about the current context of the user, alter one or more of the subset of steps that needs to be performed by the user by altering multiple interaction elements that affect interactions with the user for the current step, the interaction element including:

Instruction associated with handling the current step;

Presentation of instructions associated with handling the current step;

Available choices which are used to handle the current step;

Methods that a user may use to handle the current step; and

Means by which the user provides input to complete the current step;

When input data is not received from the user for the current step and information received from the context awareness component indicates the user is currently distracted, further

altering one or more of the interaction elements for the current step in such a manner as to be less cognitively burdensome for the user;

Hochstedler teaches a method that method for a mobile computer that further receives information about the user that includes sensed information from multiple sources such that sensed information from differing sources is at least partially in conflict;

Automatically build a model of the current context of the user by mediating amongst the sensed information from the multiple sources. (column 5, lines 20-40; Change of user and change in the type of medical procedure being carried out by the user are the current context of the user) Further more it receives a current context of the user from a context awareness component that receives sensed information from multiple sources and that mediates amongst the multiple sources to build a model of the current context of the user (col. 1, lines 49-col.2, lines 20);

In response to the received information about the current context of the user, alter one or more of the subset of steps that needs to be performed by the user by altering multiple interaction elements that affect interactions with the user for the current step, the interaction element including:

Instruction associated with handling the current step ;

Presentation of instructions associated with handling the current step;

Available choices which are used to handle the current step;

Methods that a user may use to handle the current step (col. 1, lines 49-col.2, lines 20); and

Means by which the user provides input to complete the current step (col. 1, lines

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49-col.2, lines 20);

When input data is not received from the user for the current step and information received from the context awareness component indicates the user is currently distracted, further altering one or more of the interaction elements for the current step in such a manner as to be less cognitively burdensome for the user (col. 6, lines-32-49);

It would have been obvious to an artisan at the time of the invention to include Hochstedler's teaching with method of Fado in order to change system layout or setting as the needs of the user changes.

As per claim 2, which is dependent on claim 1, Fado and Hochstedler teaches the computer-readable media of claim 1 (see rejection above). Fado further teaches one or more computer-readable media as recited in claim 1, wherein the computer program further causes the one or more processors to:

alter, in response to user input of data corresponding to the current step, the appearance of another step as necessary to identify the new current step in the subset of steps that needs to be performed by the user (see Fado, column 2, lines 6 – 22; the examiner interprets displaying a second graphical user interface in response to a user selecting a headset with microphones as altering the appearance of another step).

As per claim 79, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 80, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 81, Fado and Hochstedler teach the method of claim 1. However they fail to teach where the computing device is a wearable computer. Official Notice is taken that

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programming an application for wearable computer is well known in the art. Therefore it would have been obvious to one of ordinary skill in the art at the time of the invention to include the this well known feature with the method of Fado and Hochstedler in order to provide portability for the application software.

Claims 10 – 14, 16, 17,19, 35 – 38, 40–42, 60-78, and 82-83 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al., U.S. Patent No. 6,661,437 in view of Hochstedler US Patent No. 6707476.

As per claim 10, Miller teaches a computer-implemented method for displaying information to a user in a manner based on a modeled current context of the user comprising:

displaying a list of items to be handled by a user in a particular order (see Miller, column 7, line 47 – 51);

identifying one item in the list of items that is a current item (see Miller, figure 9, item 915 and column 2, lines 34 – 46);

receiving a user input corresponding to the current item (see Miller, column 7, lines 55 – 58); and

updating, in response to receiving the user input, the identification of the one item that is the current item to indicate the next item in the list of items as the current item (see Miller, figure 9, items 910 – 930, and column 7, line 44 – 58; it is inherent that the currently selected setting will be highlighted and therefore when the next setting is selected to be changed it is highlighted and the setting that was being worked on is no longer highlighted).

However, Miller fails to teach receiving information about a modeled current context of



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the user;

Automatically generating a modeled current context of a user operating a computing system based on information about the user obtained from multiple sources, the modeled current context of the user including one or more indication of a predicted mental state of the user;

Receiving information sensed from an environment of the user by one or more sources;

Automatically updating the modeled current context of the user based at least in part on the received sensed information;

In response to the received information about the modeled current context of the user automatically determining one or more of multiple elements to alter regarding interaction with the user and altering the determined elements, the multiple elements including:

Instructions associated with handling the current item;

Presentation of instructions associated with handling the current item;

Available choices which are used to handle the current step;

Methods that a user may use to handle the current items; and

Means by which the user provides input to complete the current items;

Hochstedler teaches a method that method further receives information about a current context of the user from a context awareness component that receives sensed information from multiple sources and that mediates amongst the multiple sources to build a model of the current context of the user (col. 1, lines 49-col.2, lines 20);

Automatically generating a modeled current context of a user operating a computing system based on information about the user obtained from multiple sources, the modeled current context of the user including one or more indication of a predicted mental state of the user;

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Receiving information sensed from an environment of the user by one or more sources;

Automatically updating the modeled current context of the user based at least in part on the received sensed information; (column 5, lines 20-40; Change of user and change in the type of medical procedure being carried out by the user are the current context of the user)

In response to the received information about the current context of the user, alter one or more of the subset of steps that needs to be performed by the user by altering multiple interaction elements that affect interactions with the user for the current step, the interaction element including:

Instruction associated with handling the current step ;

Presentation of instructions associated with handling the current step;

Available choices which are used to handle the current step;

Methods that a user may use to handle the current step (col. 1, lines 49-col.2, lines 20); and

It would have been obvious to an artisan at the time of the invention to include Hochstedler's teaching with method of Miller in order to provide user with the ability to change system layout and setting.

As per claim 11, which is dependent on claim 10, Miller and Hochstedler teach the method of claim 11 (see rejection above). Miller further teaches a method as recited in claim 10, wherein displaying the list of items comprises displaying at least one item corresponding to a task that has already been performed and at least one item

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corresponding to a task that still needs to be performed by the user (see Miller, figure 9, items 910 – 930, column 2, lines 42 – 46, and column 7, lines 49 – 51; the examiner interprets displaying settings that need to be set as displaying future tasks that need to be performed by the user).

As per claim 12, which is dependent on claim 10, Miller and Hochstedler teach the method of claim 10 (see rejection above). Miller further teaches a method as recited in claim 10, wherein displaying the list of items comprises displaying, after the user input is received, the user input in place of the corresponding item (see Miller, figure 4, item 415 and column 6, lines 59 – 64; it is inherent that item 415 is replaced to display the input when selected by the user as shown in figure 4 because corresponding, unselected item 420 is displayed without this input).

As per claim 13, which is dependent on claim 10, Miller and Hochstedler teach the method of claim 10 (see rejection above). Miller further teaches a method as recited in claim 10, wherein displaying the list of items comprises displaying only a subset of the list of items at any given time (see Miller, figure 5, item 555).

As per claim 14, which is dependent on claim 13, Miller and Hochstedler teach the method of claim 13 (see rejection above). Miller further teaches a method as recited in claim 13, further comprising scrolling through the list of items to display different subsets as items in the list are handled by the user (see Miller, column 6, line 65 – column 7, line 8).

As per claim 16, which is dependent on claim 10, Miller and Hochstedler teach the method of claim 10 (see rejection above). Miller further teaches a method as recited in claim 10, wherein the list of items comprises a list of tasks to be completed by the user, and wherein handling of an item by the user comprises the user completing the task (see Miller, column 7, lines 44 – 58).

As per claim 17, which is dependent on claim 16, Miller and Hochstedler teach the method of claim 16 (see rejection above). Miller further teaches a method as recited in claim 16, wherein the list of tasks comprises a list of prompts corresponding to data to be entered into the computer by the user (see Miller, column 7, lines 44 – 58).

As per claim 19, it is rejected with the same rationale as claim 1. (see rejection above)

As per claim 35, Miller teaches a system comprising:

a display device; a user interface component, coupled to the display device, causing a user interface to be displayed on the display device (see Miller, column 1, lines 32 – 34);

wherein the user interface includes a list portion in which a list of a plurality of items to be handled by a user are displayed (see Miller, column 7, line 47 – 51);

wherein the user interface further includes a current location marker identifying one of the items in the list as the current item that needs to be handled by the user (see

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Miller, column 2, lines 34 – 46); and

wherein the user interface component further automatically updates the current location marker to identify a new item in the list in response to the user handling the current item in the list (see Miller, figure 9, items 910 – 930, and column 7, line 44 – 58; it is inherent that the currently selected setting will be highlighted and therefore when the next setting is selected to be changed it is highlighted and the setting that was being worked on is no longer highlighted).

However, Miller fails to teach receiving information about a current context of the user;

A module that automatically models a current context of a user operating the system based at least in part on information related to the user that is received from one or more source other than the user;

In response to the received information about the current context of the user determining one or more of multiple elements to alter regarding interaction with the user and altering the determined elements, the multiple elements including:

Instructions associated with handling the current item;

Presentation of instructions associated with handling the current item;

Available choices which are used to handle the current step;

Methods that a user may use to handle the current items; and

Means by which the user provides input to complete the current items;

Hochstedler teaches a method that method further receives information about a current context of the user from a context awareness component that receives sensed information from multiple sources and that mediates amongst the multiple sources to build a model of the current

context of the user (col. 1, lines 49-col.2, lines 20);

A module that automatically models a current context of a user operating the system based at least in part on information related to the user that is received from one or more source other than the user. (column 5, lines 20-40; Change of user and change in the type of medical procedure being carried out by the user are the current context of the user)

In response to the received information about the current context of the user, alter one or more of the subset of steps that needs to be performed by the user by altering multiple interaction elements that affect interactions with the user for the current step, the interaction element including:

Instruction associated with handling the current step ;

Presentation of instructions associated with handling the current step;

Available choices which are used to handle the current step;

Methods that a user may use to handle the current step (col. 1, lines 49-col.2, lines 20); and

It would have been obvious to an artisan at the time of the invention to include Hochstedler's teaching with method of Miller in order to user the ability to change system layout and setting.

As per claim 36, which is dependent on claim 35, it is of similar scope to claim 12 and is rejected under the same rationale as claim 12 (see rejection above).

As per claim 37, which is dependent on claim 35, it is of similar scope to claim 13

and is rejected under the same rationale as claim 13(see rejection above).

As per claim 38, which is dependent on claim 37, it is of similar scope to claim 14 and is rejected under the same rationale as claim 14 (see rejection above).

As per claim 40, which is dependent on claim 35, it is of similar scope to claim 16 and is rejected under the same rationale as claim 16 (see rejection above).

As per claim 41, which is dependent on claim 40, it is of similar scope to claim 17 and is rejected under the same rationale as claim 17 (see rejection above).

As per claim 42, which is dependent on claim 40, Miller and Hochstedler teach the method of claim 40 (see rejection above). Miller further teaches a system as recited in claim 40, wherein the user interface component is implemented in software (see Miller, column 2, lines 27 – 30).

As per claim 60, Miller and Hochstedler teach the method of claim 10. Hochstedler further teaches the identifying comprises superimposing, on the display of the current item in the list, a set of one or more input options corresponding to the item (Fig. 7, item 138, col. 4, lines 30-40).

As per claim 61, Miller and Hochstedler teach the method of claim 60. Hochstedler further teaches the identifying comprises receiving, as the input corresponding to the current item, one of the input options from the set of one of more input options (Fig. 7, item 138, col. 4,

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lines 30-40).

As per claim 62, Miller and Hochstedler teach the method of claim 10. Hochstedler further teaches the particular order is altered in response to the receiving of the information about the current context of the user (col. 1, lines 50-col. 2 lines 20).

As per claim 63, Miller and Hochstedler teach the method of claim 10. Hochstedler further teaches where the determining of which of the multiple elements to alter is based at least in part on information about the current context of the user (col. 1, lines 50-col. 2 lines 20).

As per claim 64, Miller and Hochstedler teach the method of claim 10. Hochstedler further teaches where the current context of the user includes an estimate of cognitive availability of the user derived at least in part from user response time (col. 1, lines 50-col. 2 lines 20).

As per claim 65, Miller and Hochstedler teach the method of claim 10. Hochstedler further teaches including, after receiving current context information for the user regarding a current ability of the user to handle items, further altering the multiple elements to reduce a cognitive burden of handling items (Fig. 7, item 138, col. 4, lines 30-40).

As per claim 66, Miller and Hochstedler teach the method of claim 65. Hochstedler teaches wherein the further altering is not performed if the user acts promptly (col. 1, lines 50-col. 2 lines 20).

As per claim 67, Miller and Hochstedler teach the method of claim 10. Hochstedler teaches the determining of which of the multiple elements to alter is performed based on the current context so as place minimal cognitive burden on the user (Fig. 7, item 138, col. 4, lines 30-40).

As per claim 68, Miller and Hochstedler teach the method of claim 10. Hochstedler



teaches wherein information about the item for which the user input was received is amended with indication of the user input. (Fig. 7, item 138, col. 4, lines 30-40)

As per claim 69, Miller and Hochstedler teach the method of claim 10. However they fail to teach where the displaying and presentation may be performed using any appropriate means of communicating with the user including audio and or video. Official Notice is taken that displaying and presentation may be performed using any appropriate means of communicating with the user including audio and or video is well known in the art. There for it would have been obvious to one of ordinary skill in the art at the time of the invention to allow portions of the presentation to performed with audio or video in order to catch user's attention.

As per claim 70, Miller and Hochstedler teach the method of claim 10. Hochstedler teaches further alteration is done to amend a modality of user input after receiving current context information for the user regarding ability of the user to handle items using different modalities. (Fig. 7, item 138, col. 4, lines 30-40)

As per claim 71, Miller and Hochstedler teach the method of claim 10. Hochstedler teaches further alteration is done to amend a modality of display or presentation after receiving current context information for the user regarding an ability of user to handle items using different modalities (col. 1, lines 50-col. 2 lines 20).

As per claim 72, Miller and Hochstedler teach the method of claim 10. Hochstedler teaches the determining of which of the multiple elements to alter is performed so as to allow the user to recognize presented user input that will handle the item (Fig. 7, item 138, col. 4, lines 30-40).

As per claim 73, Miller and Hochstedler teach the method of claim 10. Hochstedler

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teaches the one or more sources include multiple sources that sense information about the user and/or about an environment of the user (col. 1, lines 50-col. 2 lines 20, column 5, lines 20-40; Change of user and change in the type of medical procedure being carried out by the user are the current context of the user) .

As per claim 74, it is rejected with the same rationale as claim 10. (see rejection above)

As per claim 75, it is rejected with the same rationale as claim 10. (see rejection above)

As per claim 76, it is rejected with the same rationale as claim 10. (see rejection above)

As per claim 77, it is rejected with the same rationale as claim 10. (see rejection above)

As per claim 78, it is rejected with the same rationale as claim 10. (see rejection above)

As per claim 82, it is rejected with the same rationale as claim 10. Supra.

As per claim 83, it is rejected with the same rationale as claim 10. Supra.

Claims 3 – 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Fado et al., U.S. Patent No. 6,067,084 in view of Hochstedler US Patent No. 6707476 further in view of Miller et al., U.S. Patent No. 6,661,437.

As per claim 3, which is dependent on claim 1, Fado and Hochstedler teaches the computer-readable media of claim 1 (see rejection above). They fail to teach one or more computer-readable media as recited in claim 1, wherein altering the appearance of the current step comprises marking the current location with a ball. Miller et al. ("Miller") teaches altering the appearance of the current step comprises marking the current location with a ball (see Miller, figure 2, item 220). It would have been obvious

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to one of ordinary skill in the art at the time of the invention to incorporate the method of Miller with the computer-readable media of Fado and Hochstedler in order to indicate menu entry points.

As per claim 4, which is dependent on claim 1, Fado and Hochstedler teach the computer-readable media of claim 1 (see rejection above). They fail to teach one or more computer-readable media as recited in claim 1, wherein altering the appearance of the current step comprises displaying the current step differently than other steps in the subset. Miller teaches altering the appearance of the current step comprises displaying the current step differently than other steps in the subset (see Miller, figure 9, item 915). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Miller with the computer-readable media of Fado and Hochstedler in order to enable the user to readily differentiate the current step.

As per claim 5, which is dependent on claim 1, Fado and Hochstedler teaches the computer-readable media of claim 1 (see rejection above). They do not teach one or more computer-readable media as recited in claim 1, wherein altering the appearance of the current step comprises replacing the current step with a set of one or more input options for the current step. Miller teaches altering the appearance of the current step comprises replacing the current step with a set of one or more input options for the current step (see Miller, figure 4, item 415 and column 6, lines 59 – 64; it is inherent that item 415 is replaced to display the input options when selected as shown in figure 4 because corresponding, unselected item 420 is displayed without these options). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Miller with the computer-readable media of Fado

and Hochstedler in order to indicate task option status to the user.

As per claim 6, which is dependent on claim 1, Fado and Hochstedler teach the computer-readable media of claim 1 (see rejection above). They do not teach one or more computer-readable media as recited in claim 1, wherein altering the appearance of the current step comprises superimposing, on the current step, a set of one or more input options for the current step. Miller teaches altering the appearance of the current step comprises superimposing, on the current step, a set of one or more input options for the current step (see Miller, figure 3, items 330 and 335; the examiner interprets displaying dialog box 335 as superimposing more input options for the current step 330). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Miller with the computer-readable media of Fado in order to indicate task option status to the user.

As per claim 7, which is dependent on claim 1, Fado and Hochstedler teaches the computer-readable media of claim 1 (see rejection above). They do not teach one or more computer-readable media as recited in claim 1, wherein the computer program further causes the one or more processors to: replace, in the subset, the display of the current step with a display of the input data. Miller teaches replacing, in the subset, the display of the current step with a display of the input data (see Miller, figure 4, item 415 and column 6, lines 59 – 64; it is inherent that item 415 is replaced to display the input options when selected as shown in figure 4 because corresponding, unselected item 420 is displayed without these options). It would have been

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obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Miller with the computer-readable media of Fado and Hochstedler in order to indicate options of the current step to the user.

Claim 8 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fado et al., U.S. Patent No. 6,067,084 in view of Hochstedler US Patent No. 6707476 further in view of Amezcua et al., U.S. Patent No. 4,458,331.

As per claim 8, which is dependent on claim 1, Fado and Hochstedler and teach the method of claim 1 (see rejection above). They do not teach one or more computer-readable media as recited in claim 1, wherein the computer program further causes the one or more processors to: display a current processing marker that identifies which step in the subset of steps is currently being processed by the one or more processors. Amezcua et al. ("Amezcua") teaches displaying a current processing marker that identifies which step in the subset of steps is currently being processed by the one or more processors (see Amezcua, column 2, lines 5 – 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Amezcua with the computer-readable media of Fado and Hochstedler to provide a means of communicating to the user should a step running in the background require attention during its processing.

Claim 9 is rejected under 35 U.S.C. 103(a) as being unpatentable over Fado et al., U.S. Patent No. 6,067,084 in view of Hochstedler US Patent No. 6707476 further in view of Janik, U.S. Patent No. 5,285,398.

As per claim 9, which is dependent on claim 1, Fado and Hochstedler teaches the computer-readable media of claim 1 (see rejection above). They do not teach one or more computer-readable media as recited in claim 1, wherein the one or more computer-readable media comprise a computer memory of a wearable computer. Janik teaches a computer-readable media comprising a computer memory of a wearable computer (see Janik, column 2, lines 23 – 28). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the wearable computer of Janik with the computer-readable media of Fado and Hochstedler in order to allow portability of the computer-readable media.

Claims 15 and 39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al., U.S. Patent No. 6,661,437 in view of Hochstedler US Patent No. 6707476 further in view of Amezcua et al., U.S. Patent No. 4,458,331.

As per claim 15, which is dependent on claim 10, Miller and Hochstedler teach the method of claim 10 (see rejection above). They do not teach a method as recited in claim 10, further comprising displaying a current processing marker identifying an item in the list of items corresponding to a current user input being processed. Amezcua et al. ("Amezcua") teaches displaying a current processing marker identifying an item in

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the list of items corresponding to a current user input being processed (see Amezcua, column 2, lines 5 – 12). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Amezcua with the method of Miller and Hochstedler to provide a means of communicating to the user should a step running in the background require attention during its processing.

As per claim 39, which is dependent on claim 35, it is of similar scope to claim 15 and is rejected under the same rationale as claim 15 (see rejection above).

Claims 18 is rejected under 35 U.S.C. 103(a) as being unpatentable over Miller et al., U.S. Patent No. 6,661,437 in view of Hochstedler US Patent No. 6707476 further in view of Best, U.S. Patent No. 4,569,026.

As per claim 18, which is dependent on claim 10, Miller and Hochstedler teach the method of claim 10 (see rejection above). They do not teach a method as recited in claim 10, wherein the list of items comprises a list of prompts of words to be spoken by the user, and wherein handling of an item by the user comprises speaking one or more words corresponding to the prompt. Best teaches a method wherein a list of items comprises a list of prompts of words to be spoken by the user, and wherein handling of an item by the user comprises speaking one or more words corresponding to the prompt (see Best, column 2, lines 25 – 30). It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate the method of Best with the method of Miller and Hochstedler in order to provide an illusion of individualized and active participation with a system.

***Response to Argument***

Applicant's arguments filed on 6/19/05 have been fully considered but they are not persuasive.

Applicant's arguments focused on the following:

A) Hochstedler fails to teach receiving information about a current context of the user from a context awareness component that receives sensed information from multiple sources and that mediates amongst the multiple sources to build a model of the current context of the user.

Examiner disagrees.

A) The examiner does not agree for the following reasons:

During patent examination, the pending claims must be "given >their< broadest reasonable interpretation consistent with the specification." > In re Hyatt, 211 F.3d 1367, 1372, 54 USPQ2d 1664, 1667 (Fed. Cir. 2000). Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Applicant always has the opportunity to amend the claims during prosecution, and broad interpretation by the examiner reduces the possibility that the claim, once issued, will be interpreted more broadly than is justified. In re Prater, 415 F.2d 1393, 1404-05, 162 USPQ 541, 550-51 (CCPA 1969).

In this case, Hochstedler teaches this limitation because Hochstedler builds the interface model based on the type of medical procedure being carried out by the user. (column 5, lines 20-38) The medical procedure being carried out by the user presents a modeled context of a nurse or a doctor. (column 5, lines 20-38)



### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

### ***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peng Ke whose telephone number is (571) 272-4062. The examiner can normally be reached on M-Th and Alternate Fridays 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine L. Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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